



RULE 132 THIRD AFFIDAVIT

Applicant : Allan Todd Berry
Serial No.: 10/657,977
Filed: 09/09/2003
Examiner: David J Parsley
Group Art Number: 3643

DECLARATION UNDER 37 C.F.R. 1.132

I, Allan Todd Berry, declare and state:

That I am a citizen of the United States.

That I am over the age of eighteen (18) and I have personal knowledge concerning my testimony.

I am the inventor of the current invention which is the subject matter of the patent application.

I have been working in the chicken process industry for more than 20 years.

I have reviewed copies of the patents (U.S. Patent No. 4,150,374 to Brook and U.S. Patent No. 4,372,099 to Linville) and patent applications (No. 2003/0139130 to Steffler et al. and No. 2003/0065414 to van den Nieuwelaar) in the most recent Patent Office reply. My invention, as a whole, is not disclosed in any one of these patents or patent applications based on my review of all the patents and patent applications referred to in the response from the Patent Office.

Based on my over 20 years of experience in the chicken process industry and my knowledge in this field, it is my opinion, as one skilled in this industry, that there is not a motivation or suggestion, to one skilled in this area, to combine these patents and patent applications, cited by the Patent Office in its most recent response, to produce my invention.

That the undersigned declares further that all statements made herein are of his own knowledge and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Further declarant saith not.

Todd Berry
Signature

Todd Berry
Print Name

SWORN TO AND SUBSCRIBED before me
this 6th day of Dec., 2005.

NOTARY PUBLIC, GEORGIA, STATE AT LARGE

My Commission Expires:

NOTARY PUBLIC, HALL COUNTY, GEORGIA
MY COMMISSION EXPIRES NOVEMBER 17, 2008

Ruey S. Sealer

